MC 2224/2007
BEFORE
HON’BLE JUSTICE RANJAN GOGOI
.
Heard Mr. M. H. Rajbarbhuiya, learned counsel for the applicant/respondent No.7.
None has appeared on behalf of the O.P./writ petitioner.
This miscellaneous application has been filed seeking vacation/modification/alteration of the interim order dated 9.4.2007 passed by this Court. A reading of the order dated 9.4.2007 would go to show that interim relief was granted to the writ petitioner primarily on the strength of the contention advanced that the tender submitted by the respondent No.4 was not accompanied by the requisite earnest money.
In the affidavit filed by the Deputy Commissioner, Barpeta, in the main writ petition it has been categorically stated in paragraph 4 that submission of earnest money was not a pre-condition of the tender notice and that only upon selection of the eligible contractor a requirement is imposed for deposit of 2% of earnest money on the estimated value of the work.
In view of the above stand taken by the Deputy Commissioner, Barpeta, the Court is of the view that there is no basis to continue with the interim order dated 9.4.2007 passed by the Court. The said interim order, therefore, is vacated.
Misc. Case is allowed.